

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
333 Queen Street
Honolulu, Hawaii 96813
February 23, 2007

Oahu

Board of Land and
Natural Resources
State of Hawaii
Honolulu, HI

Request for and Consent to Dismissal of Contested Case Hearing in matter of Docket No. BORCCH-06-02 regarding proposed Joint Use Agreement for Dewey Lane, Waikiki, Oahu, (1) 2-6-009:002 and 10, (1) 2-6-07 (por), Public Right of Way as shown on Map 4 Land of the Land Court Consolidation 64, the Request for which had been previously granted on March 10, 2006 on Agenda Item J-1.

BACKGROUND:

On January 27, 2006 the Board of Land and Natural Resources approved the request of Hilton Hawaiian Village, LLC (Hilton), to enter into a Joint Use Agreement and related grants of easement and permits to allow for construction of certain improvements to Dewey Lane as Agenda Item J-2.

On March 10, 2006, pursuant to a written request for a Contested Case Hearing presented by Alan Cambra, President of the Association of Owners of the Ilikai Apartment Building (Ilikai), on behalf of the Association and David Perrigo, an individual Ilikai Apartment Owner, filed on February 6, 2006, the Board reconsidered its action of January 27, 2006, waived the requirement for oral notice for a contested case hearing, and granted such request.

On November 17, 2006, the Ilikai, by its President, Franklin Tokioka, and Mr. Perrigo requested that the Contested Case Hearing be dismissed and their Petition for Contested Case Hearing be withdrawn. (See Exhibit A). On January 23, 2007, Allison Ito, Esq., counsel for Hilton consented to the dismissal of Contested Case Docket No. BORCCH-06-02. (See Exhibit B).

ITEM J-1

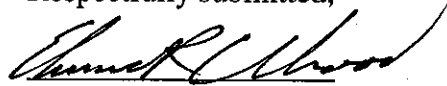
REMARKS:

Given that the parties requesting the Contested Case Hearing have withdrawn their request for and have requested dismissal of the Contested Case Hearing, the Division of Boating and Ocean Recreation (DOBOR) requests that the Board grant the request and Order that the Contested Case Hearing be dismissed.

RECOMMENDATION:

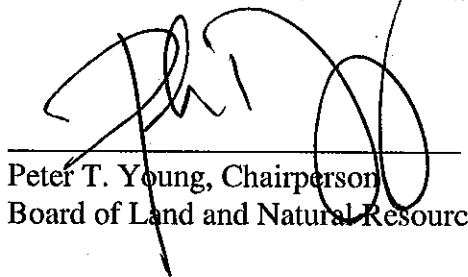
- 1) That the Board grant the Petitioners' request of a withdrawal of their request for and their request to dismiss the Contested Case Hearing in BORCCH-06-02;
- 2) Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully submitted,



Ed R. Underwood
Administrator

Attachments

APPROVED FOR SUBMITTAL
Peter T. Young, Chairperson
Board of Land and Natural Resources

***Ilikai Apartment Building
Association of Apartment Owners***

1777 Ala Moana Boulevard
Honolulu, Hawaii 96815

November 17, 2006

**Via Hand Delivery
Certified Mail/Return Receipt Requested
And First Class Mail**

Mr. Peter T. Young, Chairperson
and Members
Board of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, HI 96813

**Re: Withdrawal of Request for a Contested Case Hearing
In connection with Item J-2 on Agenda
for BLNR Board Meeting held January 27, 2006**

Dear Chairperson and Members:

By written request dated February 6, 2006 and supplemented by letter dated February 9, 2006, the undersigned petitioned for a Contested Case Hearing contesting the January 27, 2006 Land Board Decision regarding Agenda Item J-2, Entry into Joint Use Agreement with Hilton Hawaiian Village LLC, Waikiki, Oahu, TMK: (1) 2-6-009:002 and 010, (1) 2-6-010-007 (por.) Public right of Way as shown on Map 4 of Land Court Consolidation 64.

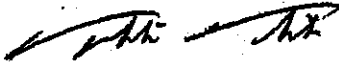
The subject dispute with Hilton has been resolved pursuant to a separate settlement agreement with Hilton. Accordingly, by this letter, the undersigned petitioners hereby withdraw and/or otherwise dismiss their request for a Contested Case Hearing in connection with the above-referenced matter.

If any further steps need to be taken to signify the undersigned petitioners' withdrawal and/or dismissal of their request for a Contested Case Hearing, please inform the counsel for the Association of Owners of the Ilikai Apartment Building, Milton M. Motooka, Esq., at 532-7214.

Chairperson and Members,
Board of Land and Natural
Resources
November 17, 2006
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Should there be any questions, do not hesitate in contacting us.

Sincerely,



Franklin Tokloka
President
Association of Apartment Owners
Of the Ilikai Apartment Building



David Perrigo
Individual Apartment Owner
Ilikai Apartment Building

cc. Mr. Edward R. Underwood, Administrator
State Dept. of Land and Natural Resources
Division of Boating and Ocean Recreation
333 Queen Street, Suite 300
Honolulu, HI 96813

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A LAW CORPORATION

January 23, 2007

Chairperson Peter T. Young and Members of the
Board of Land and Natural Resources
State of Hawaii
1151 Punchbowl Street
Honolulu, Hawaii 96813

**Re: Withdrawal of Request for Contested Case Docket No. BORCCH-06-02
Concerning BLNR Agenda Item J-2 for BLNR Meeting held on January 27, 2006**

Dear Chairperson Young and Members of the Board:

Our office represents Hilton in connection with the above-captioned matter. By written request dated February 6, 2006 and February 9, 2006, the Association of Apartment Owners of the Ilikai Apartment Building (the "Ilikai") and David Perrigo, an individual Apartment Owner of a unit in the Ilikai Apartment Building, petitioned for a contested case hearing contesting the decision of the Board of Land and Natural Resource of the State of Hawaii (the "BLNR"), on January 27, 2006 regarding Agenda Item J-2, Entry into Joint Use Agreement with Hilton Hawaiian Village, LLC, Waikiki Oahu, TMK (1) 2-6-9:002 and 010, (1) 2-6-010:007 (por.), Public Right of Way as shown on Map 4 of Land Court Consolidation 64.

The subject dispute was resolved pursuant to a separate settlement agreement between Hilton and the Ilikai. Accordingly, on November 17, 2006, the Ilikai and Mr. Perrigo submitted to the BLNR a written request to withdraw and dismiss their request for a contested case hearing in connection with Contested Case Docket No. BORCCH-06-02. This letter is to advise you that Hilton Hawaiian Village, LLC consents to the withdrawal and the dismissal of Contested Case Docket No. BORCCH-06-02.

Sincerely,



Allison A. Ito, Esq.

cc: Ted Middleton

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EXHIBIT B